

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 DEAE-00 CIAE-00 INR-07 IO-10 JUSE-00

NSAE-00 SNM-02 TRSE-00 USIA-06 NSC-05 OES-03 OMB-01

HEW-02 L-03 PA-01 PRS-01 AID-05 /059 W

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R 151700Z SEP 75

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 4943

INFO AMEMBASSY BONN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

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E.O. 11652: NA

TAGS: SNAR, BE

SUBJECT: DELAY IN PUBLICATION OF BELGIAN DRUG LAW

REF: A. BRUSSELS 5783 B. BRUSSELS 8102

SUMMARY: REF A REPORTED BELGIAN PARLIAMENT ADAPTED  
NEW DRUG LAW JUNE 25 TO INCREASE PENALTIES FOR  
TRAFFICKING AND SALES OF DRUGS. LAW WILL BECOME  
EFFECTIVE WHEN PUBLISHED IN OFFICIAL GAZETTE. PUBLICATION  
HAD BEEN EXPECTED IN AUGUST OR AT LATEST SEPTEMBER 15.  
EMBASSY HAS NOW LEARNED LAW MAY NOT BE PUBLISHED FOR  
SOME TIME (POSSIBLY MONTHS). PROBLEM APPARENTLY IS  
BETWEEN MINISTRY OF JUSTICE AND MINISTRY OF  
HEALTH REGARDING PROVISION OF TREATMENT AND REHABILI-  
TATION OF DRUG ADDICTS IN LIEU OF SENTENCING. MINHEALTH  
OFFICIAL CLAIMS THAT MINISTRY HAS NO OBJECTION  
TO PUBLICATION OF LAW NOW AND IN FACT WELCOMES  
PUBLICATION AS MEANS OF STIMULATING DEVELOPMENT OF  
TREATMENT CENTERS. OFFICIAL IN MINJUSTICE CLAIMS  
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LAW CANNOT BE PUBLISHED UNTIL MINHEALTH HAS CENTERS IN

OPERATION. EMBASSY PLANS DISCUSS THIS WITH CHEIF OF CABINET, MINJUSTICE DURING PROPOSED CALL SEPTEMBER 22-26. END SUMMARY.

1. AS REPORTED REFTTEL A, BELGIAN HOUSE OF REPRESENTATIVES PASSED NEW DRUG LAW PROVIDING STIFFER PENALTIES FOR POSSESSION, SALE AND TRAFFICKING IN NARCOTICS AND OTHER HABIT FORMING DRUGS INCLUDING PSYCHOTROPICS. WHILE LAW DOES NOT CONTAIN SPECIFIC REHABILITATION MEASURE, ARTICLE 9 PROVIDES THAT PERSONS CONVICTED FOR POSSESSION OF DRUGS OR USE OF DRUGS MAY BE REFERRED FOR PROBATION PERIOD TO TREATMENT CENTER.

2. EMBASSY WAS INFORMED THAT LEGISLATION WILL BE PUBLISHED IN OFFICIAL GAZETTE IN AUGUST OR AT LATEST BY MID-SEPTEMBER. MINHEALTH TOLD EMBASSY NARCOTICS COORDINATOR (ENC) IN MID-AUGUST THAT LAW WAS BEING PROOF-READ FOR PUBLICATION WITHIN TWO WEEKS. ON SEPTEMBER 10 ATTORNEY GENERAL FOR BRUSSELS APPEALS COURT, VICTOR VAN HONSTE (SEPTTEL) TOLD ENC AND DEA OFFICIALS THAT SOME DELAY WAS ANTICIPATED IN PUBLICATION THIS LEGISLATION. HE SAID THIS WAS DUE TO FACT THAT MINHEALTH DOES NOT YET HAVE ANY TREATMENT OR REHABILITATION CENTERS TO WHICH DRUG USERS CAN BE REFERRED AS PROVIDED UNDER NEW LAW. HE INDICATED PROBLEM WAS BUDGETARY SITUATION WHICH WOULD NOT PERMIT MINHEALTH TO INVEST IN SUCH SERVICES AT THIS TIME.

3. ENC SUBSEQUENTLY CALLED ON DIRECTOR OF DRUG INSPECTION IN MINHEALTH (HUGHE) AND ASKED HIM ABOUT STATUS OF NEW LEGISLATION. HUYGHE EXPLAINED THAT MINHEALTH, WHEN ASKED IF IT HAD ANY OBJECTIONS TO LEGISLATION BEING PUBLISHED, HAD GIVEN GO-AHEAD FOR PUBLICATION. WHEN ENC INDICATED THERE WAS SOME QUESTION WHETHER MINHEALTH WAS PREPARED TO PROVIDE NECESSARY SERVICES HUYGHE ANSWERED THAT THESE SERVICES ALREADY EXIST IN MENTAL HEALTH CENTERS. HE THEN CALLED SECEN OF MINHEALTH (HIGHEST RANKING LIMITED OFFICIAL USE

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CIVIL SERVANT IN MINISTRY) TO DETERMINE IF MINHEALTH WAS HOLDING UP PUBLICATION OF LEGISLATION REPLY WAS NEGATIVE AND SECGEN REPORTEDLY TOLD HIM PUBLICATION WOULD BE WELCOMED BECAUSE NEW LEGISLATION WOULD ENCOURAGE UPGRADING PRESENT CENTERS TO IMPROVE TREATMENT FOR DRUG PATIENTS.

4. AS REPORTED REF B, ENC AND DEA OFFICIALS HAVE

REQUESTED APPOINTMENT WITH CHIEF OF CABINET OF  
MINJUSTICE DURING WEEK SEPTEMBER 22-26 TO PRESENT  
PROPOSAL ON DEA TRAINING SEMINAR. WE PLAN TO USE  
THIS OCCASSION TO INQUIRE ABOUT STATUS OF DRUG  
LEGISLATION AND HOPE TO GET SOME ESTIMATE WHEN  
IT WILL BE PUBLISHED.  
RENNER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** PUBLICATIONS, LAW, DRUG CONTROL  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 15 SEP 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975BRUSSE08196  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750319-1099  
**From:** BRUSSELS  
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**Image Path:**  
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**Legacy Key:** link1975/newtext/t19750950/aaaabsjn.tel  
**Line Count:** 122  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 BRUSSELS 5783, 75 BRUSSELS 8102  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 21 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <21 APR 2003 by BoyleJA>; APPROVED <22 APR 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** DELAY IN PUBLICATION OF BELGIAN DRUG LAW  
**TAGS:** SNAR, BE  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006